

Applicant : Marshall L. Weingarden Date: 10/12/04
Serial No. : 10/715,180 Art Unit: 3728
Response to Office Action of July 21, 2004

Remarks/Arguments

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

The present invention is directed to a hub post for mounting an information-bearing disk to a substrate for presentation, storage or transportation of the disk, the hub post being provided with a structure which is much more simple in construction, more economical to manufacture, easier to use, and more effective in overall performance than prior hub posts previously furnished for similar uses. These advantages of the present hub post are attained by a construction which includes a post having a substantially continuous, unbroken gripping surface with lateral dimensions relative to counterpart lateral dimensions of a mounting hole in the disk for enabling selective gripping of the disk upon insertion of the post into the mounting hole, and for selective release of the post from the mounting hole, the post being constructed of a substantially solid stiffly resilient synthetic polymeric material having a balance of resilient characteristics and renitent characteristics for establishing such selective gripping and selective release and for resisting deleterious compression and crushing while retaining the disk upon the post. All of the claims set forth the aforesaid specific construction of

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the post of the present invention. The prior art is devoid of any suggestion of such a post construction.

The specification has been amended to more fully describe the configuration of the gripping surface 32 of the post 30, as illustrated in FIGS. 1 through 4 of the drawing.

Claims 3, 6, 7, 10 through 12, 14 and 17 have been rejected under 35 U.S.C. 112 as being indefinite in the use of the term "essentially". While applicant believes the meaning of the term is clear, when viewed in connection with the specification and drawing, these claims have been amended, as suggested by the Examiner, to eliminate that term and thereby obviate the rejection. It is respectfully submitted that the claims, as amended, comply with the requirements of the statute, and it is respectfully requested that the rejection be withdrawn.

All of the claims have been rejected as being either anticipated by Bauer or as being unpatentable over Bauer in view of one or more of Attar et al., Joyce et al., Condorotis, and Cerda-Vilaplana et al. It is respectfully requested that the rejections be withdrawn.

Bauer discloses a hub 60 molded of high impact polystyrene and having individual fingers 62 which are deflected so as to be "snap-engageable" with the edge of a center hole of a CD. Thus, hub 60

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derives a resilient engagement with the CD through the deflection of plural, separate fingers spaced apart from one another circumferentially around the hub. In order for the fingers to flex in radial directions, the fingers also are spaced apart radially, so that the hub has a sleeve-like construction extending along a central opening. The high impact polystyrene material is relatively hard and unyielding, the requisite resilience being obtained through the cantilever construction of the fingers of the hub in combination with the hollow center of the hub. In contradistinction, all of the claims of the present application set forth a hub which includes a post having a substantially continuous, unbroken gripping surface extending around the circumference of the post. The material of the post is a substantially solid stiffly resilient synthetic polymeric material having a balance of resilient characteristics and renitent characteristics for establishing the selective gripping and selective release of a disk and for resisting deleterious compression and crushing while retaining the disk upon the post. There is no resemblance between the structure and the operation of the hub of Bauer and the structure and operation of the post of the present claims. Accordingly, the rejection of the present claims

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based upon anticipation by the disclosure in Bauer is untenable and should be withdrawn.

Attar et al. illustrates a protrusion, referred to as a "heart", for entering the aperture of a CD. The portion of the heart which engages the aperture of the CD is modified to provide teeth, bumps or vertical ridges for gripping or otherwise retaining the CD on the heart. Thus, the surface of the heart relies upon these discontinuous modifications to provide resiliency which retains the CD. While one of the materials identified in the reference is polyurethane, that material is specified for teeth 79 formed on a hub 81 and requires that the material be "sufficiently soft so as to allow some flexure of the teeth 79." The proposed substitution of the material specified by Attar et al. for the material identified in Bauer could suggest a change in the flexible nature of the fingers of Bauer, but the basic structure of individual fingers, teeth, bumps or ridges would remain unchanged. In contradistinction, the subject matter of the present claims includes a substantially solid post with a substantially continuous, unbroken gripping surface which relies upon a material that provides a balance of resilience and renitence to accomplish gripping and retention of a disk, and does not rely upon fingers, teeth, bumps, ridges or any similar modification of the gripping

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surface. Moreover, the references are silent with respect to the specific durometer set forth in claims 5 and 16 and only suggest materials of substantially greater or lesser durometer. Hence, the gripping and retention mechanism of the present invention is entirely different from the gripping and retention mechanisms disclosed in either Bauer or Attar et al. or in any tenable combination suggested in these references. Accordingly, the proposed combination of Attar et al. with Bauer cannot render obvious the subject matter of the present claims and the rejection based upon the proposed combination of references should be withdrawn.

Joyce et al. discloses the use of a polystyrene having mechanical characteristics which differ considerably from the material specified in the present claims and adds nothing by way of rendering obvious the subject matter of the present claims. While it may be well-known to utilize transparent materials in connection with the construction of CD containers, the material specified by Joyce et al. is characterized as being "relatively brittle" and the reference suggests nothing which can be combined with Bauer and Attar et al. to render obvious the combination of elements of the present claims.

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Condorotis discloses a post 26 which extends from a center plate 24 and terminates in a ramped face 27. While the ramped face does make an angle with the post, the post itself projects perpendicular to the plate and is not canted relative to the plate. Moreover, the angle between the ramped face and the perpendicular direction is relatively steep. Accordingly, Condorotis discloses nothing of relevance toward anticipation or rendering obvious the subject matter of claims 11 and 12, which subject matter includes a post canted at a small angle to an axis perpendicular to the substrate upon which the hub post of the invention is to be affixed, and the rejection based upon Condorotis should be withdrawn.

Cerda-Vilaplana et al. retains a disk with a plurality of circumferentially spaced apart flexible stems 3 which grasp the disk along the edge of a center hole in the disk. A polygonal button is located radially inside the circle of stems and serves as an actuator for releasing the disk. Thus, upon depression of the polygonal button, the stems are biased radially inwardly, out of contact with the disk, and the disk is released. The reference discloses no polyhedral post which engages a disk to be retained on the post and cannot serve as a basis for rendering obvious the subject matter of present claims 19 and 21, which subject matter


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includes a polyhedral retention post. Accordingly, the rejection based upon Cerda-Vilaplana et al. should be withdrawn.

The remaining cited prior art has been reviewed and is deemed to add nothing by way of anticipation or rendering obvious the subject matter of the present claims.

It is respectfully submitted that all of the claims in the application now are allowable, and it is respectfully requested that the claims be allowed and the application be passed to issue.

Respectfully submitted,


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OCTOBER 12, 2004
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ARTHUR JACOB
NAME OF REGISTERED REPRESENTATIVE

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